

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Benjamin Heyward,

Plaintiff,

v.

A. Price,

Defendant.

C/A No. 3:18-150-JFA-KFM

ORDER

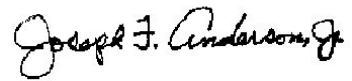
Benjamin Heyward (“Plaintiff”), a state prisoner proceeding *pro se* and *in forma pauperis*, filed this Complaint pursuant to 42 U.S.C. § 1983 on January 17, 2018. (ECF No. 1). Thereafter, in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), (D.S.C.), the case was referred to a Magistrate Judge for review. On July 25, 2018, Plaintiff filed a Motion for Preliminary Injunction and Temporary Restraining Order (“TRO”), requesting that A. Price (“Defendant”), a staff member at Kershaw Correctional Institution in the South Carolina Department of Corrections (“SCDC”), and others be enjoined from harassing him, refusing to allow him to enter the library, refusing to give him his legal mail, and refusing to transfer him to the mental health dorm in Broad River Correctional Institution (ECF No. 74).

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should deny the Motion. (ECF No. 76). The Report sets forth in detail the relevant facts and standards of law on this matter, and the Court incorporates such without a recitation. Plaintiff was advised of his right to file objections to the Report, which was entered on the docket on July 26, 2018. *Id.* The Magistrate Judge required Plaintiff to file objections to the Report by August 24, 2018. *Id.* However, Plaintiff did not file objections and the time to do so has now expired. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the Magistrate Judge’s recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Magistrate Judge has allowed the Plaintiff ample time to respond to the Court’s orders and the Plaintiff has failed to do so.

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge’s recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation. Plaintiff’s Motion is denied.

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive style with a large, stylized initial 'J'.

September 4, 2018
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge